

# Exhibit A

13:29:38

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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF NEW YORK

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 MOOG INC., ) 22-CV-187  
 Plaintiff )

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vs.

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SKYRYSE, INC., et al ) Buffalo, New York  
 Defendant. ) July 27, 2022  
 1:00 p.m.

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**ORAL ARGUMENT**

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**Proceeding held via Zoom for Government Platform**  
**All parties appeared remotely.**

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TRANSCRIPT OF PROCEEDINGS  
 BEFORE THE HONORABLE JEREMIAH J. MCCARTHY  
 UNITED STATES MAGISTRATE JUDGE

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FOR PLAINTIFF: SHEPPHARD MULLIN RICHETER & HAMPTON, LLP  
 BY: RENA ANDOH, ESQ.

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LAI YIP, ESQ.

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KAZIM A. NAQVI, ESQ.

-and-

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HODGSON RUSS, LLP

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BY: ROBERT J. FLUSKEY, JR, ESQ.

PAULINE MUTO, ESQ.

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FOR DEFENDANT: LATHAM &amp; WATKINS, LLP

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BY: DOUGLAS E. LUMISH, ESQ.

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GABRIEL S. GROSS, ESQ.

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KELLEY STOREY, ESQ.

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CASSANDRA M. BALOGA, ESQ.

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JULIANNE CATHERINE OSBORNE, ESQ.

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RYAN T. BANKS, ESQ.

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JOSEPH LEE, ESQ.

ARMAN ZAHOORY, ESQ.

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FOR DEFENDANT

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PILKINGTON/KIM: WINGET, SPADAFORA &amp; SCHWARTZBERG, LLP

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BY: ALEXANDER ASHER TRUITT, ESQ.

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ANTHONY D. GREEN, ESQ.

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ANNABEL MIRALES, ESQ.

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**COURT REPORTER: Karen J. Clark, Official Court Reporter**  
**Karenclark1013@AOL.com**

MOOG, INC. VS. SKYRYSE, INC. ET AL

13:55:41 2 they are considering pursuing. But, I will simply point  
13:55:45 3 out criminal statutes are very different than civil  
13:55:49 4 common law claims and civil statutes. So, to the extent  
13:55:53 5 they are being pursued for theft, for example, your  
13:55:56 6 Honor, I don't think there is particular analogy between  
13:55:59 7 the government's case against the individual defendants  
13:56:00 8 and ours with respect to trade secret identification. I  
13:56:03 9 will say, your Honor, that with respect to the question  
13:56:06 10 of what we turned over to the FBI, as we've been told by  
13:56:11 11 the FBI, that both sets of individual, both the  
13:56:13 12 individual Defendants and Skyryse have been subpoenaed  
13:56:16 13 as well as us, we actually reached out to counsel to try  
13:56:20 14 and reach an agreement that all parties would exchange  
13:56:23 15 the full productions that they have given to the  
13:56:26 16 government. We made that proposal about a week and a  
13:56:28 17 half ago. We were basically told, no, not basically, we  
13:56:33 18 were actually told no by Skyryse, and told we would only  
13:56:37 19 produce materials that were directly responsive to our  
13:56:41 20 document request. I think Skyryse remains fully  
13:56:43 21 prepared, and, I'm sorry, Moog, remains fully prepared  
13:56:48 22 and willing to do a full exchange of full production  
13:56:50 23 that all of the parties have gave to the FBI, which,  
13:56:53 24 frankly, to us, makes infinite sentence. It seems to  
13:56:57 25 us, based on what I know, and which is obviously more

MOOG, INC. VS. SKYRYSE, INC. ET AL

13:57:01 2 limited based on what I know of the Government's case,  
13:57:03 3 the Government's case is a subset of the claims we're  
13:57:06 4 making in a civil case. So I continue to find it very  
13:57:08 5 difficult to conceive that anything that was turned over  
13:57:10 6 by the individual Defendants or by Skyryse to the FBI  
13:57:14 7 would not also be relevant to these claims. But, again,  
13:57:17 8 your Honor, that is an issue that we were trying to  
13:57:19 9 negotiate through meet and confer, and have not yet  
13:57:22 10 brought to your Honor's attention because our belief was  
13:57:25 11 that we may be able to reach resolution before we get to  
13:57:29 12 that. As far as a stay in general, your Honor, I think  
13:57:32 13 going back to the question of whether or not they are  
13:57:35 14 entitled to one or not, what I don't see here is I don't  
13:57:38 15 see the Government coming in and asking for a stay.  
13:57:40 16 I've had plenty of cases where there have been  
13:57:43 17 government investigations and even individuals of  
13:57:46 18 companies that were charged with crimes where the  
13:57:48 19 Government has not requested a stay of the case and  
13:57:52 20 allowed the case to continue and only requested a  
13:57:55 21 partial stay and the remainder of the case is able to  
13:57:58 22 continue. Again, I think we should be able to brief  
13:57:59 23 this issue fully, but I don't think the interest of the  
13:58:02 24 individual Defendant with respect to taking the Fifth  
13:58:04 25 Amendment is an overriding factor in favor of a stay in

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15:04:18

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MR. LUMISH: We're all over the map, it's

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pretty bad. The drought is quite bad and the fires that

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stem are awful.

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MAGISTRATE JUDGE MCCARTHY: My sympathies.

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You know Buffalo has ideal weather. I'm not trying to

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gloat, but so far so good all right folks take care.

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MR. LUMISH: Thank you very much, your

15:04:36

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Honor.

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MS. ANDOH: Thank you, your Honor.

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MR. GREEN: Take care.

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CERTIFICATE OF REPORTER

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I certify that the foregoing is a correct transcript

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of the record of proceedings in the above-entitled

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matter.

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S/ Karen J. Clark, RPR

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Official Court Reporter

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